

Remarks

Since the filing of Applicants' Response to Office Action Under 37 C.F.R. § 1.111 on June 24, 2005, Applicants received an international search conducted by the European Patent Office in respect to an international application based on the subject application. Applicants are submitting herewith an Information Disclosure Statement calling those search results to the attention of the Examiner.

In the Office Action mailed May 27, 2005, the Examiner required restriction of the application to a single invention under 35 U.S.C. § 121. Specifically, the examiner identified two groups of patentably distinct claims:

Group I: Claims 1-7 directed to methods for disseminating advertising methods; and
Group II: Claims 8-41 directed to product packaged in pouch containers.

The Examiner further indicated that Group II comprises 10 patentably distinct species subject to generic claim 8.

In their initial response, Applicants traversed the restriction requirement and provisionally elected to prosecute the claims of Group II and Species 1. The claims corresponding to Species 1 were identified as claims 8, 9, 11-25, 26, 28-29.

By this supplemental response Applicants have cancelled claim 21. Claims 9-20 and 22-42 have been amended to covert them to method claims which either depend from or are otherwise covered by generic method claim 1. Claim 8 has been amended such that it corresponds to original claim 23 in independent form. New claim 42 corresponds to original claim 22 in independent form.

Thus, the Examiner's restriction requirement would apply to the amended claims as follow:

Group I: Claims 1-7, 9-20, and 22-41 directed to methods for disseminating advertising methods; and

Group II: Claims 8 and 42 directed to product packaged in pouch containers.

The 10 patentably distinct species identified by the Examiner are now encompassed by the method claims of Group I.

Applicants continue to traverse the restriction requirement as it is believed that there is no significant additional burden if all claims are searched as compared to any set of elected claims.

Applicants also withdraw their prior election, and provisionally elect to prosecute the claims of Group I and Species 1. The claims corresponding to Species 1 now constitute claims 1-7, 9, 11-20, 22-26, and 28-29.

Conclusion

For the reasons set forth above, it is believed that the restriction requirement should be withdrawn. Prompt and favorable reconsideration, therefore, is earnestly solicited.

The Examiner is invited to contact the undersigned attorney at (832) 656-3853 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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Date

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